

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

CRIMINAL NO. 3:12cr274-RJC

UNITED STATES OF AMERICA,)	
v.)	CONSENT ORDER AND
)	JUDGMENT OF FORFEITURE
)	(PRELIMINARY)
)	PENDING RULE 32.2(c)(2)
RONALD LYNN BYRD,)	
)	
Defendant.)	

BASED UPON the defendant's plea of guilty, and finding that there is a substantial nexus between the property listed below and the offense(s) to which the defendant has pled guilty and that the defendant has or had a possessory interest or other legal interest in the property, IT IS HEREBY ORDERED THAT:

1. The following property is forfeited to the United States pursuant to 18 U.S.C. § 924, 28 U.S.C. § 2461(c), and/or 21 U.S.C. § 853(p), provided, however, that forfeiture of specific assets is subject to any and all third party petitions under 21 U.S.C. § 853(n), pending final adjudication herein:

**One Bersa .380 caliber handgun and ammunition seized during
the course of the investigation of the offense to which
defendant pled guilty.**

2. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture; provided, no such notice is required if this order consists solely of a money judgment.

3. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issues subpoenas pursuant to Fed. R. Civ. P. 45.

The parties stipulate and agree that the aforementioned firearm and ammunition was involved in the offense to which defendant pled guilty and is therefore subject to forfeiture pursuant to 18 U.S.C. § 924(d) and/or 28 U.S.C. § 2461(c). The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby

withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

ANNE M. TOMPKINS
UNITED STATES ATTORNEY

for *SJK* *Steven P. Kaufman*
J. GEORGE GUISE, ESQ.
Assistant United States Attorney

Ron Byrd
RONALD LYNN BYRD
Defendant

JULIA G. MIMMS
JULIA GRACE MIMMS, ESQ.
Attorney for the Defendant

Signed this the 30th day of November, 2012.

D. S. Cayer
Hon. David S. Cayer
UNITED STATES MAGISTRATE JUDGE